

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

RICHARD MONTA JOHNSON, JR. :

Plaintiff :
:

VS. :
:

TAMARSHAY SMITH, Warden :

Defendant. :
: **Case No: 5:23-cv-00229-CHW**
PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE

ORDER

Pro se Plaintiff Richard Johnson, Jr., an inmate at Macon State Prison, filed a civil rights complaint under 42 U.S.C. § 1983. (Doc. 1). Following screening, Plaintiff's Eighth Amendment deliberate indifference to safety claim against Defendant Smith was permitted to proceed for further factual development. (Doc. 4). On October 27, 2023, Defendant Smith was personally served by a deputy U.S. Marshal, who noted that Defendant Smith no longer works at Macon State Prison. (Doc. 11). To date, Defendant Smith has not responded to Plaintiff's complaint.

Because Defendant Smith's time for responding to Plaintiff's complaint has passed, the Clerk of Court is hereby DIRECTED to enter a default against Defendant Smith upon the docket. Plaintiff shall file a motion for default judgment within 21 days of this Order. Failure to comply may result in this action being dismissed for failure to prosecute. The motion for default judgment shall state whether a hearing is necessary to determine damages, and if a hearing is not necessary, the motion shall include all evidence supporting

the damages sought in the motion. A copy of this order shall be mailed to Defendant Smith at the address at which service was perfected.

SO ORDERED, this 4th day of December, 2023.

s/ Charles H. Weigle

Charles H. Weigle

United States Magistrate Judge